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09/714,785	11/15/2000	Jonathan J. Hull	15358-006110US	5217

20350 7590 03/05/2004	EXAMINER
TOWNSEND AND TOWNSEND AND CREW, LLP	DODDS, HAROLD E

TWO EMBARCADERO CENTER	ART UNIT	PAPER NUMBER
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DATE MAILED: 03/05/2004   14

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 November 2003 and 17 December 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-19,24 and 32-38_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19,24 and 32-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to RCE

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office

action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

17 December 2003 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1, 3, 4, 6, 7, 9, 15, 16, 18, 24, 32, 34, and 35 are rejected under 35

U.S.C. 103(a) as being unpatentable over Kamise (Unexamined Japanese Patent JP

10246041A Machine Assisted Translation) and Collart (U.S. Patent No. 6,405,203).

4.   Kamise renders obvious independent claim 1 by the following:

"...a display..." at page 15, sec. 0012.

"...one or more input devices..." at page 15, sec. 0012.

"...a storage..." at page 4, diagram item 401.

"...a processor..." at page 4, diagram item 200.

"...and one or more sensors..." at page 12, sec. 0009.

"...wherein said processor is configured to gather information provided by a visitor using

at least one input device from said one or more input devices responsive to prompts

provided by said processor through said display..." at page 15, sec. 0012.

"...wherein said processor is configured to substantially contemporaneously gather

information about said visitor using at least one sensor from said one or more

sensors..." at page 12, sec. 0009.

"...wherein said processor is configured to communicate a portion of the information

about said visitor gathered from said at least one input device and said at least one

sensor..." at page 12, sec. 0009.

"...and a portion of said additional information to a user..." at pages 14-15, sec. 0011.

"...and wherein said processor is configured to store said information about said visitor

gathered from said at least one input d-vice and said at least one sensor into said

storage..." at pages 19-20, sec. 0018.

However, Kamise does not teach the obtaining of additional information outside of information gathered at the interactive session.

5. However, Collart teaches the obtaining of additional information outside of information gathered at the interactive session as follows:

"...wherein said processor is configured to determine additional information about said visitor..." at col. 17, lines 22-28 and col. 18, lines 19-20.

"...based upon said information about said visitor..." at col. 17, lines 22-28 and col. 18, lines 19-20.

"...gathered from said at least one input device and said at least one sensor..." at col. 39, lines 65-57, col. 40, lines 1-2, and col. 18, lines 19-20.

"...additional information...," at col. 17, lines 22-28.

"...distinct from the information about said visitor..." at col. 18, lines 19-20.

"...gathered from said at least one input device and said at least one sensor..." at col. 39, lines 65-57, col. 40, lines 1-2, and col. 18, lines 19-20.

It would have been obvious to one of ordinary skill at the time of the invention to combine Collart with Kamise to provide additional audio and video information over the Internet in order to support the identification of the visitor. Obtaining information across a web interface allows the system to access information that is not stored on the local database. Multiple copies of the same information do not have to be stored on each terminal, thus less storage is required at each terminal.

6.   As per independent claim 16, the "...gathering information about a visitor

in an interactive session with an automated kiosk...," is taught by Kamise at page 12,

sec. 0009,

the "...placing said information into a format in which said information may be stored...,"

is taught by Kamise at pages 19-20, sec. 0018,

the "...storing said information for retrieval...," is taught by Kamise at pages 19-20, sec.

0018,

the "...and based upon said gathered information about said visitor...," is taught by

Kamise at page 12, sec. 0009,

the "...automatically obtaining additional information about said visitor from one or more

sources...," is taught by Collart at col. 17, lines 22-28 and col. 18, lines 19-20,

the "...additional information distinct from the information about the visitor gathered in

the interactive session...," is taught by Collart at col. 17, lines 22-28 and col. 18, lines

19-20,

the "...and communicating at least a portion of said gathered information...," is taught by

Kamise at page 12, sec. 0009,

and the "...and at least a portion of said additional information to a user...," is taught by

Kamise at pages 14-15, sec. 0011.

7.   As per independent claim 24, the "...code for gathering information about a

visitor in an interactive session with an automated kiosk...," is taught by Kamise at page

12, sec. 0009,

the "...code for placing said information into a format in which said information may be

stored...," is taught by Kamise at pages 19-20, sec. 0018,

the "...code for storing said information for retrieval...," is taught by Kamise at pages 19-

20, sec. 0018,

the "...code for obtaining, based upon said gathered information about said visitor

additional information about said visitor from one or more sources...," is taught by

Collart at col. 17, lines 22-28 and col. 18, lines 19-20,

the additional information distinct from the information about the visitor gathered in the

interactive session...," is taught by Collart at col. 17, lines 22-28 and col. 18, lines 19-20,

the "...code for providing said additional information about said visitor...," is taught by

Kamise at pages 14-15, sec. 0011,

the "...and said information about said visitor gathered at said kiosk to a person

interested in said information...," is taught by Kamise at page 12, sec. 0009,

and the "...and a computer readable storage medium for holding the codes...," is taught

by Kamise at page 4, diagram item 401.

       8.   As per independent claim 35 the "...one or more input devices..." is taught

by Kamise at page 15, sec, 0012,

the "...one or more sensors configured to capture information about a visitor..." is taught

by Kamise at page 12, sec. 0009,

the "...a data processing system..." is taught by Kamise at page 4, design item 200,

the "...and a communication interface..." is taught by Collart at col. 33, lines 24-27,

the "...wherein the data processing system is configured to receive information provided

by the visitor using the one or more input devices..." is taught by Kamise at page 15,

sec. 0012,

the "...and information about the visitor captured by the one or more sensors..." is taught

by Kamise at page 12, sec. 0009,

the "...wherein the data processing system is configured to determine additional

information about the visitor..." is taught by Collart at col. 17, lines 22-28 and col. 18,

lines 19-20,

the "...based upon the information provided by the visitor using the one or more input

devices..." is taught by Kamise at page 15, sec. 0012,

"...and the information about the visitor captured by the one or more sensors..." is taught

by Kamise at page 12, sec. 0009,

the "...the additional information..." is taught by Collart at col. 17, lines 22-28,

the "...distinct from the information provided by the visitor using the one or more input

devices..." is taught by Kamise at page 15, sec 0012,

the "...and the information about the visitor captured by the one or more sensors..." is

taught by Kamise at page 12, sec. 0009,

the "...wherein the communication interface is configured to communicate the additional

information..." is taught by Collart at col. 33, lines 24-27 and col. 17, lines 22-28,

and the "...to a person to be visited by the visitor..." is taught by Kamise at page 22, sec.

0022,

      9.   As per claim 3, the "...an audio output device, configured to output audio

information to said visitor, said audio information determined based upon said

information about said visitor gathered from said at least one input device and said at

least one sensor...," is taught by Kamise at page 12, sec. 0009.

10.   As per claim 4, the "...said information gathered about said visitor...," is

taught by Kamise at page 12, sec. 0009,

the "...comprises at least one of information about a name of said visitor, an

organization represented by a said visitor...," is taught by Kamise at pages 19-20, sec.

0018,

the "...a purpose of a visit, a date of a visit, a time of a visit, a person to be visited...," is

taught by Kamise at pages 25-26, sec. 0026,

and the "...and an identity of a group of visitors visiting together...," is taught by Kamise

at pages 19-20, sec. 0018 and pages 25-26, section 0026.

11.   As per claim 6, the "...a scanner that is configured to scan at least one of a

first side and a second side of a business card having printing on at least one of said

first side and said second side...," is taught by Kamise at pages 14-15, sec. 0011,

the "...and wherein, responsive to detecting text on said at least one of said first side

and said second side...," is taught by Kamise at page 23, sec. 0023,

and the "...said processor processes said text in accordance with a language of said

text...," is taught by Kamise at pages 19-20, sec. 0018.

12.   As per claim 7, the "...a microphone, wherein said microphone provides

input of speech of said visitor...," is taught by Kamise at pages 14-15, sec. 0011.

13.   As per claim 9, the "...a speaker, wherein said information gathered about

said visitor comprises information indicating a person to be visited and wherein said

speaker is configured to output directions to reach said person to be visited...," is taught

by Kamise at pages 14-15, sec. 0011. Please note, Kamise teaches the use of a touch

panel to identify the person to be visited and a printed map to provide directions to

reach this person. These are equivalent functions to functions identified in this claim.

14.   As per claim 15, the "...wherein said processor is configured to determine

said additional information about said visitor using a web interface...," is taught by

Collart at col. 17, lines 22-28, col. 18, lines 19-20, and col. 33, lines 24-27.

15.   As per claim 18, the "...determining a person to be visited by said visitor

based upon said information gathered about said user...," is taught by Kamise at pages

14-15, sec. 0011,

the "...and wherein communicating said portion of said gathered information...," is taught

by Kamise at page 12, sec. 0009,

the "...and said portion of said additional information to said user...," is taught by Kamise

at pages 14-15, sec. 0011,

and the "...comprises communicating said portions to said person to be visited...," is

taught by Kamise at page 29, sec. 0030.

16.   As per claim 32, the "...said user is a person that said visitor intends to

visit...," is taught by Kamise at page 22, sec. 0022.

17.   As per claim 34, the "...said additional information comprises information

about said visitor is determined from a database accessible to said processor...," is

taught by Collart at col. 17, lines 22-28, col. 18, lines 19-20, and col. 7, lines 20-21.

and the "...and storing information about said visitor...," is taught by Kamise at pages

19-20, sec. 0018.

18.   Claims 2, 14, and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kamise and Collart as applied to the claims above, and further in

view of Takasaki et al. (Japanese Patent JP403129990A only English abstract).

As per claim 2, the "...said information about said visitor is gathered using said at

least one sensor...," is taught by Kamise at page 12, sec. 0009,

but the "...without said visitor being aware of said gathering...," is not taught by either

Kamise or Collart.

However, Takasaki teaches the use of gathering information about a visitor

without the visitor's knowledge as follows:

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"...When visitor M receiving a magnetic card 2 in which essential
items relating to the visit are recorded on a central acceptance
inserts the card 2 into a magnetic card reader 3, the card reader
reads out the recorded data and automatically call the telephone
number of the visited destination through a telephone set 4.
Simultaneously the visitor's face is picked up by the image
pickup camera 6 without allowing the visitor M to be conscious of
the image pickup, both the image data are compresses by the image
compressor 7 and the compressed image data are recorded by the
image data recorder 8. Consequently, the visitor's labor for
checking telephone numbers can be omitted and the visitor's data
can be automatically stored..." at the Constitution section.
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It would have been obvious to one of ordinary skill at the time of the invention to

combine Takasaki with Kamise and Collart to gather information about visitors without

the visitors being aware of this gathering in order to not upset particular visitors and to

prevent potential threats from disrupting the information gathering process. Some

visitors might be upset about the gathering of personal information and might attempt to avoid having their image captured.

19.   As per claim 14, the "...further comprising a telephone interface, configured to communicate a telephone message to a person to be visited that said visitor has arrived...," is taught by Takasaki at the Constitution section.

20.   As per claim 17, the "...gathering information about said visitor at said automated kiosk comprises obtaining information from said visitor using a process of which said visitor is aware...," is taught by Kamise at page 12, sec. 0009

and the "...and obtaining information about said visitor using a process of which said visitor is not aware...," is taught by Takasaki at the Constitution section.

21.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart as applied to claim 1 above, and further in view of McAlbian (U.S. Patent No. 5,845,261).

As per claim 5, the "...said display is configured to display to said visitor...," is taught by Kamise at page 12, sec. 0009,

but the at least one of a greeting, a slide show of product images, advertising, stock values, daily cartoons, and news...," is not taught by either Kamise or Collart.

However, McAlbian teaches the use of a greeting that is displayed to the visitor in Figure 5.

It would have been obvious to one of ordinary skill at the time of the invention to combine McAlbian with Kamise and Collart to provide a greeting to the visitor. By displaying a greeting to the visitor, the reception machine will welcome visitors to the

location. A greeting will serve as a nicety to the invention and probably make the visitors

feel more welcome to the location.

22.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kamise and Collart as applied to claim 1 above, and further in view of Kanevsky et al.

(U.S. Patent No. 6,334,109).

As per claim 8, the "...configured to capture an image of said visitor...," is taught

by Kamise at page 12, sec. 0009,

but the '...a video camera...," is not taught by either Kamise or Collart.

However, Kanevsky teaches the use of a video camera as follows;

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"...Local server 107 is connected with the following clients:
card readers 101 and 104, cash register 103 and a video camera
102..." at col. 5, lines 12-15.
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It would have been obvious to one of ordinary skill at the time of the invention to

combine Kanevsky with Kamise and Collart to provide a video camera to capture the

visitor's images since a video camera can capture the images and is well known in the

art.

23.   Claims 10 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kamise and Collart as applied to claim 1 above, and further in view of

Motomiya et al. (U.S. Patent No. 6,189,783).

As per claim 10, the "...a visitor wand configured to record experiences of said

visitor...," is not taught by either Kamise or Collart,

but Motomiya teaches the use of a reader-writer wand used to record experiences of

visitors as follows:

"...A numeral 13 denotes a reader-writer that radiates weak
electric waves 14, through which the information is allowed to
be read from or written in a park card 0..." at col. 5, lines 6-
8.

"...This attraction guide function is required to record the
history of the attractions the user have visited since. This is
effective if the part card is used in the succeeding visits..."
at col. 10, lines 3-5.

It would have been obvious to one of ordinary skill at the time of the invention to

combine Motomiya with Kamise and Collart to use a wand to record experiences of

visitors in order to use a system to display activities the user has already experienced

and provide a record of full enjoyment of these experiences.

24.   As per claim 33, the "...said additional information comprises information

about said visitor's previous visit...," is taught by Motomiya at col. 10, lines 6-7.

25.   Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kamise and Collart as applied to claim 1 above, and further in view of

Coffin et al. (U.S. Patent No. 5,991,429).

As per claim 11, the "...wherein the one or more sensors include a biometric

sensor configured to gather biometric information about said visitor...," is not taught by

either Kamise or Collart.

However, Coffin teaches the use of biometric sensors as follows:

"...Biometric techniques for determining the identity of
individuals, such as in security applications, have been well
known and in use for some time. To date, biometric techniques
have primarily been oriented towards fingerprint analysis rather
than the visual recognition of facial images..." at col. 1,
lines 5-9.

"...However, several aspects of the systems have not been dealt with: automatically positioning a camera or other, biosensor, enhancing identification accuracy through class sorting, and identifying individual facial features from those subjects wearing eyeglasses..." at col. 1, lines 28-32.

It would have been obvious to one of ordinary skill at the time of the invention to combine Coffin with Kamise and Collart to enhance the identification of visitors. The biometric system extracts particular features of the image and compares these features with other images. Through the comparison, the system will identify potential matches for the visitor's identity. The determination of the visitor's identity assisting in determining who the visitor is without entering their name. It allows the system to determine people who may be using false identities. Finally, it allows the system to identify visitors who may be potential threats.

26.   As per claim 13, the "...wherein said one or more sensors include a security sensor configured to provide information about potential threats...," is taught by Coffin at col. 1, lines 47-50.

27.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart as applied to claim 1 above, and further in view of Bellegarda et al. (U.S. Patent No. 5,502,774).

As per claim 12, the "...a handwriting tablet configured to provide a sample of handwriting of said visitor...," is not taught by either Kamise or Collart.

However, Belegarda teaches the use of a tablet to obtain a sample of handwriting as follows:

"...The multiple input user interface is comprised of, for example, a handwriting transducer 215a, typically an electronic

tablet and stylus, a speech transducer 215b, typically embodied
as a microphone coupled to an analog to digital converter, and a
generic transducer 215c, designated with a * to symbolize that
the message recognition system 200 contemplates being capable of
receiving a variety of different sources of information..." at
col. 7, lines 1-8.

It would have been obvious to one of ordinary skill at the time of the invention to

combine Bellegarda with Kamise since a sample of handwriting such as the signature of

the visitor could be used to identify the visitor in order to provide another means of

confirming to visitor's identity.

28.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kamise and Collart as applied to claim 1 above, and further in view of Shaw et al. (U.S.

Patent No. 6,349,297).

As per claim 19, the "...obtaining said additional information comprises at least

one of performing a search on the Internet, searching a publicly available database...,"

is taught by Collart at col. 19, lines 63-66,,

the "...searching a database of visitor information obtained from said automated

kiosk...," is taught by Kamise at pages 19-20, sec. 0018,

but the "...and searching a local document database...," is not taught by either Kamise

or Collart.

However Shaw teaches searching document databases as follows:

"...However, cost performance for document database and
processing applications can be dramatically improved, provided
systems have internal ability to retain the initial document
request and subject of interest, then accurately search through
all possible reference resources and analyze and identify the
most suitable target material, finally authorize specific

procedural and/or instruction steps for each document request..." at col. 5, lines 60-67.

It would have been obvious to one of ordinary skill at the time of the invention to combine Shaw with Kamise and Collart to provide additional information about a visitor to the site and the organization, which they represent from information in the public domain in order to better prepare the person receiving the visitor for their meeting.

29.   Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamise and Collart as applied to claim 1 above, and further in view of Markus et al. (U.S. Patent No. 6,490,601).

As per claim 36, the "...the data processing system...," is taught by Kamise at page 4, figure item 400,

the "...indicative of one or more persons visited by the visitor...," is taught by Kamise at page 15, sec. 0012,

but the "...is configured to generate a web page for the visitor..."

and the "...web page storing information...," are not taught by either Kamise or Collart.

However Markus teaches the generation of web pages, which are made available for users as follows:

"Many Internet Web pages are composite pages, requiring information in the form of images, text, and/or code to be pulled from several different remote Internet resources..." at col. 2, lines 1-4.

"A cookie is an identifier assigned by a Web site, whether a Web server or a server such as the privacy bank server, to a user/visitor when the user visits the Web site for the first time in a given session (the time from which a user logs onto the Web and the time he or she exits the Web by exiting the browser)..." at col. 10, lines 17-22.

It would have been obvious to one of ordinary skill at the time of the invention to combine Markus with Kamise and Collart to provide a system the capability of the generation of web pages to present information to the visitor in order to use modern technology to produce a visitor friendly display. The use of web page technology provides a fast and flexible means of developing a display for the visitor, which may be customized to meet the requirements of the organization or persons visited.

30.   As per claim 37, the "...wherein the web page is accessible by the visitor...," is taught by Markus at col. 2, lines 1-4 and col. 10, lines 17-22.

31.   As per claim 38, the "...comprising an output device configured to output information to the visitor...," is taught by Kamise at page 15, sec. 0012,

the "...information output by the output device...," is taught by Kamise at page 15, sec. 0012,

the "...being customized for the visitor...," is taught by Markus at col. 19, lines 34-40 and col. 10, lines 17-22,

the "...based upon the information provided by the visitor using the one or more input devices...," is taught by Kamise at page 15, sec. 0012,

the "...information about the visitor captured by the one or more sensors...," is taught by Kamise at page 12, sec. 0009,

and the "...additional information...," is taught by Collart at col. 17, lines 22-28.

Response to Arguments

32.   Applicants' arguments filed 17 December 2003 have been fully considered but they are not persuasive. In the first argument for independent claims 1, 16, and 24 on page 10, paragraph 3, the Applicants state:

"Applicants have amended claims 1, 16, and 24. Applicants submit that no new subject matter has been introduced by the amendments. Claims 1-19, 24, and 32-38 remain pending in this application after filing of this amendment."

The Applicants have added the phrase "the additional information distinct from the information about said visitor gathered from said at least one input device and at least one sensor" to claim 1 and similar new phrases to claims 16 and 24. This constitutes new matter added to these independent claims.

33.   In the second argument for independent claim 35 on page 12, paragraph 3, the Applicants state:

"The present invention thus relates to a system for gathering information about visitors which is filly different from Pare Jr. which relates to the field of systems for accessing financial services and more particularly to techniques for reducing fraudulent practices in the use of such systems in the financial industry. The present invention is not concerned about preventing fraud. Accordingly, Applicants submit that Pare Jr. is not in the field of the applicant's endeavor."

Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection. The Pare reference has been replaced by the Collart reference. Collart teaches having a customer enter information at an unmanned kiosk, which is quite similar to the proposed invention.

34.   In the third argument for independent claim 35 on page 14, paragraph 2, the Applicants state:

"There is no suggestion or need in Kamise, either explicit or implicit, to use techniques for providing access to financial accounts or for providing techniques to reduce fraud associated with the use of physical tokens/devices such as cards. Likewise, there is no suggestion in Pare Jr., either explicit or implicit, to use techniques for receiving visitors and handing out card to visitors. In fact, Applicants submit that the teachings in Kamise and Pare Jr. teach away from and are contrary to each other. While Kamise teaches an unmanned reception system that issues cards to visitors, Pare Jr. on the other hand teaches away from the use of cards. Accordingly, one of ordinary skill in the art would not be motivated to combine Kamise and Pare Jr."

Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection. The Pare reference has been replaced by the Collart reference. Kamise teaches the use of an unmanned reception center and Collart teaches the use of an unmanned kiosk. Both Kamise and Collart teach the use of sensors at the kiosk and both teach the use of data entry by the visitor or customer at the kiosk.

     35.   In the fourth argument for independent claim 35 on page 15, paragraph 3, the Applicants state:

"Applicants thus respectfully submit that combination or modification of Kamise and Pare Jr,, as proposed by the Examiner, is improper as it destroys the intended functions of the references."

Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection. The Pare reference has been replaced by the Collart reference. Since both Kamise and Collart teach the use of a kiosk to enter information for the visitor or customer the combination of these references do not destroy the intended functions of these references.

     36.   In the fifth argument for independent claim 35 on page 16, paragraph 3, the Applicants state:

"Based upon the foregoing, Applicants submit that the combination of Kamise and Pare Jr, is improper. Applicants submit that the examiner has impermissibly used "hindsight" based upon the teachings from the Applicant's invention to hunt through the prior art for the claimed elements and combine them as claimed. Consequently, Applicants submit that claim 35 is patentable."

Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection. The Pare reference has been replaced by the Collart reference. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

37.   In the sixth argument for independent claim 35 on page 16, paragraph 6, the Applicants state:

"This is quite different from the "additional information" recited in claim 35 that is "determined based upon information provided by the visitor using an input device or information captured about the visitor by a sensor." Pare Jr. does not teach the determining of additional information as recited in claim 35. In Pare Jr., the information that is already stored in the IBD is used for identification of the user and thus no determining of the information has to be done. Accordingly, Applicants submit that the feature of determining additional information as recited in claim 35 is not taught or suggested by Pare Jr."

Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection. The Pare reference has been replaced by the Collart reference. Collart teaches the capture of additional information as follows:

"...In addition, as consumer data is captured at the store level, an additional mechanism may be required to upload such consumer information to a centralized database to capture consumer demographic information. Additional data processing hardware/software may be required at a retail store in order to process such data..." at col. 17, lines 22-28.

Likewise, Collart teaches about the use of a kiosk by a customer as follows:

"...A consumer kiosk is placed in a retail establishment or the like to display advertising (LED scroll) and allow customers to print out selected coupons. A proximity sensor detects the presence of customers near the apparatus..." at col. 18, lines 16-21.

The combination of these two references taught by Collart renders obvious this phrase

from independent claim 35.

38.   In the seventh argument for claim 36-38 on page 17, paragraph 2, the

Applicants state:

"Applicants further submit that claims 36-38 which depend from claim 35, should also be allowed for at least a similar rationale as discussed for allowing claim 35, and others."

Since the responses to the second through the sixth arguments have shown that

independent claim 35 is rendered obvious, claims 36-38 dependent on independent

claim 25, and no additional arguments have been made for any of the dependent

claims, then claims 36-38 are still rendered obvious.

39.   In the eighth argument for claims 1-19, 24, and 32-34 on page 17,

paragraph 3, the Applicants state:

"Applicants have amended independent claims 1, 16, and 24 to include the "additional information distinct from . , ." feature of claim 35. Applicants thus respectfully submit that independent claims 1, 16, and 24 are allowable for at least a similar rationale as discussed for allowing claim 35, and others, Applicants further submit that

claims 2-34 and 17-19 which depend froze claims 1 and 16 respectively, are also allowed for at least a similar rationale as discussed for allowing claims 1 and, 16, and others."

The response to argument 1 showed that independent claims 1, 16, and 24 were amended to contain new material, which is similar to the phrases in independent claim 35, which was rendered obvious by the teaching of Collart. The responses to the second through the sixth arguments have shown that the combined teaching of Kamise and Collart render obvious independent claim 35. Therefore, by the same reasoning they also render obvious independent claims 1, 16, and 24 and the claims, which are dependent upon independent claims 1, 16, and 24.
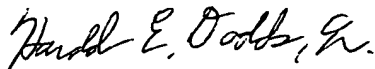
Conclusion

40.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Harold E. Dodds, Jr.
Patent Examiner
March 3, 2004

GRETA ROBINSON
PRIMARY EXAMINER